



Attorney Docket No. 035879-0120

Election/Ex 10 /#9
J 4 24.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wen Y. CHEN et al.

Title: BI-FUNCTIONAL CANCER TREATMENT AGENTS

Appl. No.: 09/815,306

Filing Date: March 23, 2001

Examiner: Christopher H. Yaen

Art Unit: 1642

RECEIVED

APR 15 2002

TECH CENTER 1600/2900

RECEIVED
APR 10 2002
TC 1700

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper is filed in response to the Office Action requiring restriction of the claims, mailed on February 8, 2002, a response to which was due by the shortened statutory period of March 8, 2002. Therefore, accompanying this response is a 1-month petition of time and the appropriate fee. However, if there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 19-0741. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

REMARKS

The examiner restricted the claims of the application into four groups as follows:

GROUP I: Claims 1-10, 22, 24-25 drawn to a method of treatment using a fusion protein comprising a receptor-antagonizing domain and a positive

immunomodulatory domain, classified by the examiner as class 435, subclass 47.

GROUP II: Claims 11-21, 26 drawn to a fusion protein comprising a receptor antagonizing domain and a positive immunomodulatory domain, classified by the examiner as class 424, subclass 192.1.

GROUP III: Claim 23 drawn to a protein wherein the first domain has SEQ ID No. 1 or conservative variants thereof, classified by the examiner as class 424, subclass 185.1.

GROUP IV: Claim 27 drawn to a pharmaceutical composition comprising a fusion protein containing a receptor-antagonizing domain and a positive immunomodulatory domain, classified by the examiner as class 424, subclass 195.11.

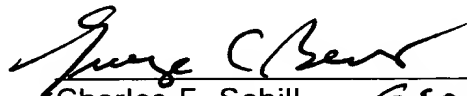
Applicants hereby elect Group I, claims 1-10, 22 and 24-25 for prosecution.

Should there be any questions regarding the application, the examiner is invited to contact the undersigned representative at the local telephone number below.

Respectfully submitted,

April 8, 2002
Date

FOLEY & LARDNER
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5109
Telephone: (202) 945-6148


~~Charles F. Schill~~ **GEORGE BEST**
Attorney for Applicant
Registration No. ~~27,590~~ **48,322**